

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

UNITED STATES OF AMERICA,	*	
v.	*	NO. 2:15-cr-00125
DSD SHIPPING, AS,	*	33 U.S.C. § 1908(a)
DANIEL PAUL DANCU,	*	18 U.S.C. § 1519
BO GAO,	*	18 U.S.C. §1505
XIAOBING CHEN, and	*	18 U.S.C. § 2
XIN ZNONG,	*	
	*	

**UNOPPOSED MOTION OF DEFENDANT XIAOBING CHEN
TO TRANSFER PROCEEDINGS TO THE SOUTHERN DISTRICT OF ALABAMA**

NOW INTO COURT, through undersigned counsel, comes Xiaobing Chen, who, pursuant to Federal Rule of Criminal Procedure 21(c)(2), respectfully moves to transfer the above-captioned case to the United States District Court of the Southern District of Alabama, where a similar indictment is pending against the same defendants. *See* Rec. Doc. 9-1 (Indictment, *United States v. DSD Shipping, AS*, No. 1:15-cr-00102 (S.D. Ala.) (filed Apr. 30, 2015) (hereinafter “Alabama Indictment”). Mr. Chen’s co-defendant DSD Shipping, AS, has already moved to transfer this case to the Southern District of Alabama. *See* Rec. Doc. 9. Mr. Chen respectfully joins DSD Shipping’s motion and incorporates by reference the arguments made by DSD Shipping here. The United States does not oppose Mr. Chen’s request for transfer.

The Alabama Indictment is substantially similar to the indictment at issue here, except that it was filed first and the defendants have already been arraigned there. In both cases, the government charges the same defendants with similar offenses, involving similar duties under the Act to Prevent Pollution from Ships, based on similar instances of alleged misconduct that allegedly took place on the same vessel, *M/T Stavanger Blossom*, during the same basic period of

time. *Compare* Rec. Doc. 9-1 (Alabama Indictment ¶ 22) (focusing on events from “on or about August 5, 2014, until on or about November 12, 2014,” that allegedly occurred “within the Southern District of Alabama, *and elsewhere*” (emphasis added)), with Indictment ¶ 18, *United States v. DSD Shipping, AS*, No. 2:15-cr-00125 (W.D. La.) (focusing on events between “on or about August 5, 2014, and on or about November 3, 2014,” that allegedly occurred “within the Western District of Louisiana, *and elsewhere*” (emphasis added)).

Unless a motion to transfer is granted, the defendants would face successive trials, in separate jurisdictions, involving overlapping criminal charges. It is in neither of the parties’ nor the judiciary’s interest to repeat the same basic proceedings twice.

For these reasons, and for those explained more fully in the Motion to Transfer previously filed by co-defendant DSD Shipping, AS, Rec. Doc. 9, this Court should grant the motion to transfer for the convenience of the parties, the witnesses, and to promote the interests of justice. A transfer of this case to Alabama and subsequent consolidation is unquestionably the fairest and most efficient course of action for all concerned, as well as the best use of scarce judicial resources.

WHEREFORE, Xiaobing Chen respectfully requests that the Court transfer the above-captioned proceeding to the United States District Court for the Southern District of Alabama, whereupon defendant will promptly request consolidation of this case with the related case pending there.

Respectfully submitted,

/s/ Ian Atkinson

William P. Gibbens, 27225

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RULE 12 CERTIFICATE

I hereby certify that on July 8, 2015, counsel for the Defendant conferred with counsel for the United States, prior to filing this motion, and counsel for the United States advised that the government has no objection to the relief requested.

/s/ Ian Atkinson

IAN ATKINSON

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2015, I electronically filed the foregoing pleading with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ Ian Atkinson

IAN ATKINSON